

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:12-cv-00069-MR**

**ASSET HOLDING COMPANY 5, LLC,)
as assignee of UNITED COMMUNITY)
BANK (GEORGIA),)**

Claimant,)

vs.)

MARSHALL E. CORNBUM, et al.,)

Respondents.)

ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte*.

On June 26, 2013, counsel for the Claimant Asset Holding Company 5, LLC (“AHC”) moved to withdraw as counsel of record in this case. [Doc. 35]. On July 3, 2013, the Court granted the motion and allowed counsel to withdraw. [Doc. 39]. In that Order, the Court admonished AHC as follows:

As a limited liability company, [AHC] may not appear in this Court *pro se*. Accordingly, [AHC] will be given ten (10) days to retain new counsel. [AHC] is advised that failure to obtain new counsel within the time provided will result in the dismissal of this case.

[Doc. 39 at 1]. More than ten (10) days have passed from the entry of the Court’s Order, and AHC has failed to have new counsel make an

appearance on its behalf. Accordingly, the Court will dismiss this action without prejudice.

IT IS, THEREFORE, ORDERED that this action is hereby **DISMISSED WITHOUT PREJUDICE**.

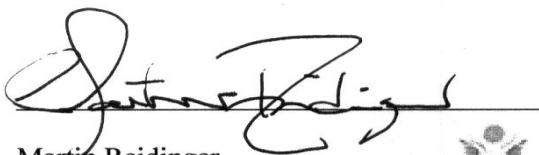
IT IS FURTHER ORDERED that the following motions pending herein are **DENIED AS MOOT**:

- (1) Respondents' Motion to Dismiss [Doc. 8];
- (2) AHC's Motion to Strike Documents #8, #9, and #19, or in the Alternative, to File a Surreply [Doc. 20];
- (3) AHC's Motion to Consolidate [Doc. 21];
- (4) Respondents' Supplemental Motion to Dismiss [Doc. 27];
- (5) AHC's Motion to Strike or Disregard Respondents' "Supplemental Motion to Dismiss" and Related Documents [Doc. 30]; and
- (6) Great Oak Lender, LLC's Motion to Intervene [Doc. 36].

The Clerk of Court is respectfully **DIRECTED** to mail a copy of this Order to the Claimant Asset Holding Company 5, LLC at its last known address: 48 Wall St., 4th Floor, New York, NY 10005-2911.

IT IS SO ORDERED.

Signed: August 9, 2013


Martin Reidinger
United States District Judge

